

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

JEANNE RUTAN MURRAY

V.

AUSTIN INDEP. SCH. DIST.

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A-11-CA-666 LY

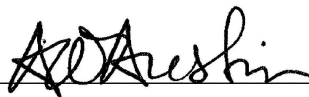
**REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

Before the Court is the Defendant Austin Independent School District's motion to dismiss (Clerk's Doc. No. 8) and Defendant's Motion to Strike Additional Pleadings in Plaintiff's Response to Defendant's First Amended Motion to Dismiss. On December 27, 2011, the District Court referred the above-motions to the undersigned Magistrate Judge for a report and recommendation pursuant to 28 U.S.C. §636(b) and Rule 1(c) of Appendix C of the Local Rules of the United States District Court for the Western District of Texas, Local Rules for the Assignment of Duties to United States Magistrate Judges.

On December 19th, the District Court received a letter from the Plaintiff, Jeanne Rutan Murray, that the Court "dismiss my case because of financial concerns." Clerk's Doc. No. 15. Although not labeled as a motion to voluntarily dismiss her case, it appears that she is requesting the District Court to dismiss her case under Federal Rule of Civil Procedure 41. A court may dismiss a plaintiff's claim by order "on terms that the court considers proper." FED. R. CIV. P. 41(a)(2). But Murray later submitted another letter to the District Court that suggests otherwise. In her letter she asked : "May we start the review of my case up on Feb. 2nd"? Clerk's Doc. No. 20. This letter also suggests that she plans to leave the Austin area, and she wants to resolve her case quickly.

To alleviate the confusion, and to discuss a timetable for the litigation, the undersigned ORDERS the parties to appear on February 2, 2012, at 10:30 a.m. for a status conference on this case.

SIGNED this 24th day of January, 2012.

A handwritten signature in black ink, appearing to read "A. W. Austin", is written over a horizontal line.

ANDREW W. AUSTIN
UNITED STATES MAGISTRATE JUDGE